

The Newman Catholic Collegiate



"Growing Together for life"

Freedom of information Policy

Policy Adopted	Next Review	Author
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Agreed by Directors	Date
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Freedom of Information Policy

1. Introduction

The Newman Catholic Collegiate is committed to the Freedom of Information Act 2000 and to the principles of accountability and the general right of access to information, subject to legal exemptions. This policy outlines our response to the Act and a framework for managing requests.

2. Background

The Freedom of Information Act 2000 (the "Act") makes it a legal requirement for any public authority including schools to produce a publication scheme and to provide guidance for any information requests made under the Act.

The Act gives legal rights to any person wishing to access information held by the Newman Catholic Collegiate. We have a duty to provide advice and guidance to anyone requesting information.

However, it should be noted that information that the Act covers for academies is restricted to information held for the purposes of the proprietor's functions under academy arrangements i.e. those arrangements between the Department for Education and the relevant academy trust company relating to agreements and financial assistance for an academy. This scheme should be read in line with this limitation.

Requests under FoI can be addressed to anyone in the collegiate; so all staff need to be aware of the process for dealing with requests. Requests must be made in writing, (including email), and should include the enquirer's name and correspondence address, and state what information they require. They do not have to mention the Act, nor do they have to say why they want the information. There is a duty to respond to all requests, telling the enquirer whether or not the information is held, and supplying any information that is held, except where exemptions apply. There is a time limit of 20 days excluding School holidays for responding to the request.

3. Scope

The Freedom of Information Act (FoI) joins the Data Protection Act (DPA) and the Environmental Information Regulations (EIR) as legislation under which anyone is entitled to request information from the collegiate.

Requests for personal data are covered by the General Data Protection Regulations 2018 (GDPR). Individuals can request to see what information the school holds about them. This is known as a Subject Access Request and must be dealt with accordingly.

The Environmental Information Regulations (EIR) covers requests for information about anything relating to the environment – such as air, water, land, the natural world or the built environment and any factor or measure affecting these. They also cover issues relating to Health and Safety. For example, queries about chemicals used in the Academies or on collegiate land, phone masts etc. would all be covered by the EIR.

4. Methods of publication

The collegiate will indicate clearly to the public what information is covered by this scheme and how it can be obtained.

Where it is within the capability of the collegiate, information will be provided on our website(s). Where it is impracticable to make information available on a website or when an individual does not wish to access the information by the website, we will ensure that the same information can be obtained through the collegiate central team.

In exceptional circumstances some information may be available only by viewing in person. Where this manner is specified, contact details will be provided. An appointment to view the information will be arranged within a reasonable timescale.

Information will be provided in the language in which it is held or in such other language that is legally required. Where the collegiate is legally required to translate any information, it will do so. Obligations under disability and discrimination legislation and any other legislation to provide information in other forms and formats will be adhered to when providing any information.

5. Charges

We reserve the right to refuse to supply information where the cost of doing so exceeds the statutory maximum, currently £450. Regulation 4 of the Freedom of information and Environmental Information Regulations states that the cost of the time which you expect to spend dealing with the request must be estimated at a rate of £25 per hour.

If a charge is to be made, confirmation of the payment due will be given before the information is provided. Payment may be requested prior to provision of the information.

6. Requests

To be valid under the Act, the request must:

- be in writing. This could be a letter or email. Requests can also be made via the web, or even on social networking sites such as Facebook or Twitter.
- include the requester's real name. A request can be made in the name of an organisation, or by one person on behalf of another, such as a solicitor on behalf of a client.
- include an address for correspondence. This need not be a residential or work address – it can be any address at which we can write to you, including a postal address or email address.
- describe the information requested.

If the request is valid, we will:

- tell the applicant whether we have the information requested
- provide the information

No personal information stored in email will be produced as part of an FOI request.

If no format has been specified, we will present the information in one we deem reasonable. For example, if we have a large amount of information available as a hard copy, we could invite the requester to view this in the Academy. If a document is available in a digital format, it may be sent electronically.

7. Exemptions

Not all information the collegiate holds that is covered by the Act will be disclosed in response to a request. For example, information may be withheld under one of the following exemptions available under the Act:

- information accessible by other means (e.g. website or prospectus).
- personal information – requests for information about an individual will be dealt with in accordance with the Data Protection Act.
- information provided in confidence to the collegiate.
- information, the release of which would prejudice or be likely to prejudice the collegiate or a third party's commercial interest.
- information is simply not held by the collegiate; if the cost of accessing the information is above £450 (based on the statutory rate of £25 per hour) or the request is considered vexatious or repeated.

When we wish to apply a qualified exemption to a request, we will invoke the public interest test procedures to determine if public interest in applying the exemption outweighs the public interest in disclosing the information.

We will maintain a register of requests where we have refused to supply information, and the reasons for the refusal. The register will be retained for 6 years.

8. Public Interest Test

Unless it is in the public interest to withhold information, it must be released. The collegiate will apply the Public Interest Test before any qualified exemptions are applied.

For information on applying the Public Interest Test see the ICO website.

9. Contact details

If you require a paper version of any information, or want to ask whether information is available, please contact the collegiate Chief Operating Officer on 01782 821995 or email info@newmancc.co.uk, or you can visit our website www.newmancc.co.uk.

10. Complaints

Any comments or complaints will be dealt with through the collegiate complaint's procedure.

We will aim to determine all complaints within 14 days of receipt. The collegiate will maintain records of all complaints and their outcome.

If on investigation the collegiate's original decision is upheld, then the collegiate has a duty to inform the complainant of their right to appeal to the Information Commissioner's office.

Appeals should be made in writing to the Information Commissioner's office. They can be contacted at:

FOI/EIR Complaints Resolution
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF